

677 590

J KEVIN ELLIS
P O BOX 1616
MORGANTOWN, WV 26507-1616

DECLARATION OF OIL AND GAS NOTICE

(Tax Map 10, Webster District, Marshall County, West Virginia)

The undersigned hereby declares:

(1) The undersigned is the owner (or lessee) of one or more coal seams or workable coal beds as those terms are defined in Section One, Article Six, Chapter Twenty-two (Section 22-6-1) of the Code of West Virginia.

(2) The coal seam(s) or workable coal bed(s) owned or leased partly or wholly by the undersigned lies under the surface of lands described in the Exhibit A attached hereto and made a part hereof.

(3) The undersigned desires to be given all notices of oil and gas operations provided by Sections Twelve, Thirteen, Fourteen, Twenty-three and Thirty-six of Article Six, Chapter Twenty-two (Sections 22-6-12; 22-6-13; 22-6-14; 22-6-23; and 22-6-36) of the Code of West Virginia, addressed as follows:

CONRHEIN COAL COMPANY
CONSOL PENNSYLVANIA COAL COMPANY LLC
RESERVE COAL PROPERTIES COMPANY

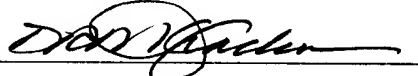
CONSOLIDATION COAL COMPANY
McELROY COAL COMPANY
CNX LAND RESOURCES INC.

C/O LEATHERWOOD, INC.
1000 CONSOL ENERGY DRIVE
CANONSBURG, PA 15317-6506

IN WITNESS WHEREOF, Conrhein Coal Company, a Pennsylvania corporation, has caused its corporate name to be subscribed hereto this 16 day of JANUARY, ²⁰⁰⁹2008, by **DENNIS R. McCracken**, its ASSISTANT MANAGER, by authority duly given.

JAN PEST
MARSHALL County 09:23:16 AM
Instrument No 1265726
Date Recorded 03/13/2009
Document Type O&G
Book-Page 677-590
Recording Fee \$6.00
Additional \$6.00

CONRHEIN COAL COMPANY
a Pennsylvania corporation:

By: 

Its: ASSISTANT MANAGER

IN WITNESS WHEREOF, Consolidation Coal Company, a Delaware corporation, has caused its corporate name to be subscribed hereto this 10 day of JANUARY, ²⁰⁰⁹2008, by ROBERT P. KING, its **VICE PRESIDENT**, by authority duly given.

CONSOLIDATION COAL COMPANY
a Delaware corporation:

By: [Signature]
Its: **VICE PRESIDENT**

IN WITNESS WHEREOF, CONSOL Pennsylvania Coal Company LLC, a Delaware limited liability company, has caused its corporate name to be subscribed hereto this 10 day of JANUARY, ²⁰⁰⁹2008, by ROBERT P. KING, its **VICE PRESIDENT**, by authority duly given.

CONSOL PENNSYLVANIA COAL COMPANY LLC
a Delaware limited liability company:

By: [Signature]
Its: **VICE PRESIDENT**

IN WITNESS WHEREOF, Reserve Coal Properties Company, a Delaware corporation, has caused its corporate name to be subscribed hereto this 10 day of JANUARY, ²⁰⁰⁹2008, by DENNIS R. McCRACKEN, its **VICE PRESIDENT**, by authority duly given.

RESERVE COAL PROPERTIES COMPANY
a Delaware corporation:

By: [Signature]
Its: **VICE PRESIDENT**

IN WITNESS WHEREOF, McElroy Coal Company, a Delaware corporation, has caused its corporate name to be subscribed hereto this 10 day of DECEMBER, 2008, by CHARLES T. SNAYMAN, its **VICE PRESIDENT**, by authority duly given.

MCELROY COAL COMPANY
a Delaware corporation:

By: [Signature]
Its: **VICE PRESIDENT**

2007-01-16

IN WITNESS WHEREOF, CNX Land Resources Inc., a Delaware corporation, has caused its corporate name to be subscribed hereto this 16 day of JANUARY, ²⁰⁰⁷2008, by DENNIS R. McCracken, its VICE PRESIDENT, by authority duly given.

CNX LAND RESOURCES INC.
a Delaware corporation:

By: [Signature]
Its: VICE PRESIDENT

NOTE: PLEASE PROPERLY INDEX THIS DOCUMENT (1) UNDER CONSOLIDATION COAL COMPANY, CONSOL PENNSYLVANIA COAL COMPANY, RESERVE COAL PROPERTIES COMPANY, CONRHEIN COAL COMPANY, MCELROY COAL COMPANY, AND CNX LAND RESOURCES INC. AS A GRANTOR, AND (2) UNDER THE NAMES OF EACH OF THE INDIVIDUAL SURFACE OWNER NAMES LISTED ON THE ATTACHED EXHIBIT A AS GRANTORS, ACCORDING TO LAST NAME AND/OR ENTITY NAME.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF WASHINGTON

Before me, JANE M. YOUNG, a Notary Public, on this day personally appeared DENNIS R. McCracken, known to me to be the person whose name is subscribed to the foregoing instrument, and known to be the ASST. MANAGER of CONRHEIN COAL COMPANY, a PENNSYLVANIA corporation, and acknowledged to me that he executed said instrument for the purposes therein expressed as the act of said company. Given under my hand and seal of office this 16 day of JANUARY, 2008. ²⁰⁰⁹

COMMONWEALTH OF PENNSYLVANIA
(Seal)
Notarial Seal
Jane M. Young, Notary Public
Cecil Twp., Washington County
My Commission Expires June 20, 2009
Member, Pennsylvania Association of Notaries

[Signature]
Notary Public
My Commission expires _____

COMMONWEALTH OF PENNSYLVANIA COUNTY OF WASHINGTON

Before me, JANE M. YOUNG, a Notary Public, on this day personally appeared ROBERT P. KING, known to me to be the person whose name is subscribed to the foregoing instrument, and known to be the VICE PRESIDENT of CONSOLIDATION COAL COMPANY, a DELAWARE corporation, and acknowledged to me that he executed said instrument for the purposes therein expressed as the act of said company. Given under my hand and seal of office this 16 day of JANUARY, 2008.

(SEAL)
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Jane M. Young, Notary Public
Cecil Twp., Washington County
My Commission Expires June 20, 2009
Member, Pennsylvania Association of Notaries

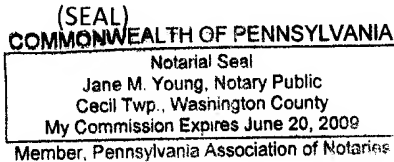
[Signature]
Notary Public
My Commission expires _____

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF WASHINGTON

677-593

Before me, JANE M. YOUNG, a Notary Public, on this day personally appeared ROBERT P. KING, known to me to be the person whose name is subscribed to the foregoing instrument, and known to be the **VICE PRESIDENT** of CONSOL PENNSYLVANIA COAL COMPANY LLC, a DELAWARE limited liability company, and acknowledged to me that he executed said instrument for the purposes therein expressed as the act of said company. Given under my hand and seal of office this 16 day of JANUARY, 2008. 2009



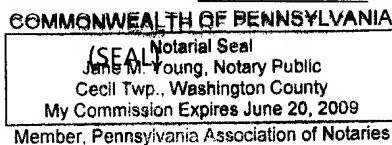
Jane M. Young
Notary Public

My Commission expires _____

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF WASHINGTON

Before me, JANE M. YOUNG, a Notary Public, on this day personally appeared DENNIS R. McCRACKEN, known to me to be the person whose name is subscribed to the foregoing instrument, and known to be the **VICE PRESIDENT** of RESERVE COAL PROPERTIES COMPANY, a DELAWARE corporation, and acknowledged to me that he executed said instrument for the purposes therein expressed as the act of said company. Given under my hand and seal of office this 16 day of JANUARY, 2008. 2009



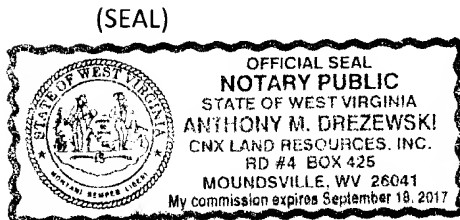
Jane M. Young
Notary Public

My Commission expires _____

STATE OF WEST VIRGINIA
~~COMMONWEALTH OF PENNSYLVANIA~~

COUNTY OF MARSHALL

Before me, ANTHONY M. DREZEWSKI, a Notary Public, on this day personally appeared CHARLES T. SHAYNAK, known to me to be the person whose name is subscribed to the foregoing instrument, and known to be the **VICE PRESIDENT** of MCELROY COAL COMPANY, a DELAWARE corporation, and acknowledged to me that he executed said instrument for the purposes therein expressed as the act of said company. Given under my hand and seal of office this 10 day of DECEMBER, 2008.



Anthony M. Drezewski
Notary Public

My Commission expires September 18, 2017

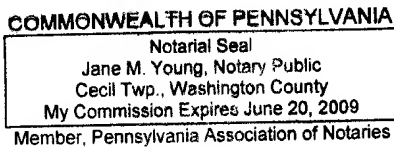
677 - 594

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF WASHINGTON

Before me, JANE M. YOUNG, a Notary Public, on this day personally appeared DENNIS R. McCRACKEN, known to me to be the person whose name is subscribed to the foregoing instrument, and known to be the **VICE PRESIDENT** of CNX LAND RESOURCES INC., a DELAWARE corporation, and acknowledged to me that he executed said instrument for the purposes therein expressed as the act of said company. Given under my hand and seal of office this 16 day of JANUARY, 2008. 2009

(SEAL)



Jane M. Young
Notary Public

My Commission expires _____

This Document Prepared By:

J. Kevin Ellis

WV Bar No. 9964

Steptoe & Johnson PLLC

1085 Van Voorhis Road

PO BOX 1616

Morgantown, WV 26507

(304) 598-8000

EXHIBIT A - SURFACE TRACTS (BAILEY MINE)
Tax Map 10, Webster District, Marshall County, West Virginia

| Tax Map | Parcel | Last Name | First Name | Street Address | City | State | Zip | Assessment Description | Reference |
|---------|--------|-----------|----------------------------|----------------------|-------------|-------|-------|---------------------------------|-----------|
| 10 | 1 | Kutis | John S. & Sylvia M. | 1440 Sunset Lane | Glen Dale | WV | 26038 | 53.08 Wolf Run | 638/574 |
| 10 | 3 | Miner | Phillip H. et ux | RR 4 Box 288 | Cameron | WV | 26033 | 14.17 Wolf Run | 525/344 |
| 10 | 4 | Miner | Phillip H. et ux | RR 4 Box 288 | Cameron | WV | 26033 | 47.85 Wolf Run | 525/344 |
| 10 | 5 | Neehouse | Leo W. | RR 4 Box 217 | Cameron | WV | 26033 | 46.126 Wolf Run | WB66/187 |
| 10 | 6 | Gilligan | Terry M. et al | 1207 Steenrod Avenue | Wheeling | WV | 26003 | 65.30 Wolf Run | 482/378 |
| 10 | 7 | Gilligan | Terry M. et al | 1207 Steenrod Avenue | Wheeling | WV | 26003 | 11 A 92 P Wolf Run | 482/378 |
| 10 | 8 | Wise | Viola Jane- Life | RR 4 Box 236 | Cameron | WV | 26033 | 97.697 A Wolf Run | 480/730 |
| 10 | 11 | Kisner | George R. et ux | RR 4 Box 50 | Cameron | WV | 26033 | 10.72 Wolf Run 1981 Mobile Home | 462/684 |
| 10 | 12 | Conway | Thomas J. Jr. & Zellasteen | 1950 Pine Avenue | Alva | FL | 33920 | 195.163 Wolf Run | 542/684 |
| 10 | 13 | Pettit | Janice E. | RR 4 Box 97 | Cameron | WV | 26033 | 62.01 Wolf Run | WB66/639 |
| 10 | 14 | Miner | Phillip H. et ux | RR 4 Box 288 | Cameron | WV | 26003 | 65.61 Wolf Run | 528/86 |
| 10 | 15 | Kittle | Kenneth et al | RR 1 Box 422 | Moundsville | WV | 26041 | 26.70 Wolf Run | 522/372 |
| 10 | 16 | Kittle | Kenneth et al | RR 1 Box 422 | Moundsville | WV | 26041 | 42.36 Wolf Run | 522/372 |
| 10 | 17 | Blake | Juanita Beck et al | RR 3 Box 198A | Wheeling | WV | 26003 | 128 Chestnut Ridge | 594/355 |
| 10 | 18 | Blake | Juanita Beck et al | RR 3 Box 198A | Wheeling | WV | 26003 | 40 Wolf Run Out Buildings | 594/355 |
| 10 | 20 | Turk | Wayne M. | RR 4 Box 88 | Cameron | WV | 26033 | 18 Chestnut Ridge | 525/50 |
| 10 | 22 | Turk | Wayne M. | RR 4 Box 88 | Cameron | WV | 26033 | 100.80 Wolf Run | 525/50 |
| 10 | 23 | Pettit | Dean F. Sr. et ux | RR 4 Box 98 | Cameron | WV | 26033 | 28.22 Wolf Run | 522/341 |
| 10 | 24 | Pettit | Myrtle M. | RR 4 Box 98A | Cameron | WV | 26033 | 28.22 Wolf Run | 620/358 |

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 16th day of January, 2009, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 13th day of March, 2009, at 9:23 o'clock P.M.

TESTE: Jan Pest Clerk.